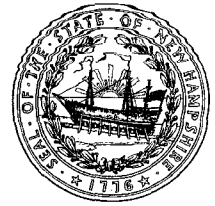




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
SP 06-014**

July 17, 2006

Anna D'Onofrio  
206 Hillsport Rd  
Westport, CT 06880

RE: DES Wetlands File #2006-00975 Asgard Rd, West Chesterfield

Dear Ms. D'Onofrio:

On June 20, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of West Chesterfield Tax Map 14 as Lot A003 (the "Property"). The purpose of the inspection was to determine compliance with the Comprehensive Shoreland Protection Act ("CSPA"), RSA 483-B and NH Code of Admin. Rules Env-Ws 1400-1411 and RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection and further file review the following deficiencies were documented:

1. A well distributed stand of trees, saplings, shrubs and ground cover was not maintained within 150 feet of the riverbank. A rectangular area had been cleared beginning approximately 66 feet from the shoreline along the Connecticut River measuring approximately 187 feet wide by approximately 84 feet deep. Within this cleared section, many roots were visible but no stumps were found on site.
2. A culvert crossing, #1 under the access road (the first crossing immediately west of the clearing) was constructed in which the outfall protection from a drainage culvert placed under the road disturbed a defined stream bank for approximately 6 feet on the north side of the access road. The bank of the defined stream channel was filled with trap rock. DES has no record of a permit issued for this work.
3. The second crossing, #2, included the placement fill associated with a culvert measuring approximately 30 feet in length in a defined stream channel, and the creation of a drainage swale measuring approximately 4 feet by 41 feet in jurisdictional wetlands located on the south side of the access road. This culvert conveyed hydrology into the defined stream channel directly south of the inlet for the culvert crossing. DES has no record of a permit issued for this work.
4. The third crossing, #3, included the placement of fill in an area of jurisdictional wetlands measuring approximately 1,800 square feet and the installation of a culvert measuring approximately 30 feet in length in a defined stream channel.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a qualified landscape designer or arborist, and include provisions for establishing a well distributed stand of trees, shrubs, and ground cover in the approximately 15,700 square foot portion of the clearing located within 150 feet of the Connecticut River. Submit the following with the restoration plan:
  - a. A plan with dimensions, drawn to scale, showing:
    - (1) The species of plants proposed for replanting;
    - (2) The number and distribution of plants proposed for replanting;
    - (3) The basal area of the trees proposed for replanting;
    - (4) The existing trees remaining within the natural woodland buffer, if any; and
    - (5) The existing and proposed structures, including but not limited to the primary structure, accessory structures, and water-dependent structures.
  - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
  - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
  - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
  - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Retain a qualified landscape designer or arborist to supervise the implementation of the restoration of the woodland buffer and to submit the restoration progress reports.
3. Implement the restoration plan for the woodland buffer only after receiving written approval and as conditioned by DES.
4. Within 45 days of receipt of this Letter of Deficiency, have all the wetlands associated with the construction of the access road delineated in accordance with Section "F" of the 1987 Army Corp Manual, by a NH certified wetland scientist and submit a plan to DES for review. The plan should include dimensions, drawn to scale, showing existing conditions, with all wetland boundaries, including square footage of the disturbed wetland areas and culvert locations and sizes.
5. Based on a review of the plan requested in item #4 above, for the access road, DES will determine whether restoration will be required in conjunction with the submittal of a standard dredge and fill application.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality

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of the State's public waters. RSA 483-B and Env-Ws 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B and RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,



Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

**CERTIFIED MAIL 7099 3400 0003 0688 7534**

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
West Chesterfield Conservation Commission  
West Chesterfield Board of Selectmen  
USACOE  
Connecticut River Joint Commissions